

TOWNSHIP OF QUINTON
COUNTY OF SALEM
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP
RESOLUTION NO. 2013-09 - BONACCURSO

WHEREAS, Josephine E. Bonaccurso (the "Applicant") made an application to the Quinton Township Planning Board for a minor subdivision with bulk variances as well as use variances in regard to property located on Salem- Quinton Road also being known as Block 3, Lots 36 and 37 and Block 10, Lots 10 and 13, on the Municipal Tax Map of Quinton Township (the "Property"); and

WHEREAS, the applicant was represented by Ross Levitsky, Esquire and initially appeared with the applicant before the Quinton Township Planning Board on November 13, 2012; and

WHEREAS, the Board Engineers Lawrence M. DiVietro, PLS, PP, AICP and Andrew Hogg, PE of Land Dimensions Engineering issued a review letter dated November 6, 2012 which letter is incorporated herein by reference thereto; and

WHEREAS, prior to said meeting, the applicant submitted the following information:

1. Quinton Township Application for a Minor Subdivision, including the following:
 - A. Quinton Township Planning Board Application Cover Sheet.
 - B. Planning Board Application Form.
 - C. Checklist, Schedule A- General Requirements.
 - D. Checklist, Schedule C- Land Subdivision, Plat Details and Information Requirements.
2. Minor Subdivision Plan for Josephine Bonaccurso, prepared by Land Engineering, LLC, dated 08/28/12.
3. Certificate that the taxes were paid; and

WHEREAS, the applicant sought a waiver for completeness purposes of items one through thirteen of the November 6, 2012 review letter and since there is no intended site development or changes to the existing conditions proposed, the Board granted these waivers and the application was deemed complete; and

WHEREAS, the application was then scheduled for a hearing on December 11, 2012 with Land Dimensions Engineering having issued a review letter dated December 5, 2012 which letter is incorporated herein by reference thereto; and

WHEREAS, the applicant submitted the following additional information following the previous review letter of November 6, 2012:

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- A. Revised plan of Minor Subdivision dated 11/28/2012.
- B. Copy of signed and sealed survey of property prepared by Taylor Wiseman Taylor, dated 3/9/11, for the creation of the farmland preservation easement.
- C. Metes and bounds legal description for proposed access easement extending to the existing on-site cell tower.
- D. Aerial photograph of site.
- E. Deeds establishing the dedication of the "By-Road."; and

WHEREAS, at the December 11, 2012 meeting the applicant through her attorney Ross Levitsky, Esquire requested a continuance due to the unavailability of members; and

WHEREAS, it was determined that proper notice had been given by the applicant for the December 11, 2012 meeting and that therefore no further notice by the applicant was necessary for the January 8, 2013 meeting with an announcement of the continuance being made at the December 11, 2012 meeting; and

WHEREAS, on January 8, 2013 Ross Levitsky, Esquire presented the application to the Board with the applicant's son, Samuel Bonaccurso being sworn in and offering testimony concerning the application; and

WHEREAS, the Planning Board Reviewed heard the sworn testimony of the applicant's son and representations from the applicant's attorney and the comments of the board's professionals and members and made the following findings of fact and reached the following conclusions of law:

1. The present use of the property is that of farmland, a cell tower and slaughterhouse.
2. The current Block 3, Lots 36 and 37 are within the PB-R and LI-O Zones. The current Block 10, Lots 10 and 13 are in the R-2 Zone.
3. The proposed subdivision will consolidate Block 10, Lots 10 and 13 and most of Block 3, Lot 37 into Block 3, Lot 36 which will consist of 107.38 acres and reconfigure Block 3, Lot 37 to consist of 3.40 acres on which will be the existing slaughterhouse operation.
4. The access to the cell tower currently exists on the property by means of an existing gravel drive. The applicant has created a 25 foot wide access easement which would extend from the "by-road" through the improved slaughterhouse property and across the balance of the farm to the cell tower.
5. A use variance is required for the slaughterhouse operation because this lot is being segregated from the farm. A slaughterhouse operation in conjunction with an adjoining farm is a permitted use if they are on the same lot.
6. An additional use variance for the slaughterhouse operation is required because the operation will take place on a 3.4 acre lot rather than 5 acres and the enclosure of

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livestock will be within 200 feet of a property line both of which conditions are in violation of the Conditional Use Standards of the Township Ordinance.

7. In 2012, the applicant placed this land into farmland preservation, with the only exception to the farmland preservation property being the 3.4 acres upon which the slaughterhouse operation is located. The applicant is unable to obtain any additional land with which to meet the 5-acre requirement. The property to the West of the slaughterhouse is in Farmland Preservation.

8. The slaughterhouse has been active for many years and utilizes the majority of the 3.4 acres. The operation has been separate and apart from the farming operation. The smaller lot size will limit the size of the slaughterhouse operation.

9. The applicant placed the farmland into the preservation program to raise money. It is the intention of the applicant to sell the farmland for continued farmland use.

10. The proposal by the applicant would require bulk variances for: a property line encroachment of 4.7 feet of the existing building where a 50 foot side yard setback is required, a property line encroachment of 12.5 feet of the existing building where 50 feet is required, a side yard setback of 30 feet to existing one story block building (noted as Salem Packaging) where a 50 foot setback is required, a rear yard setback of 16 feet to the existing tank where 50 feet is required, a variance for the 20% lot improvement coverage where a 10% maximum is permitted and a minimum building setback from any property line of 200 feet.

11. The applicant is not proposing any new construction and any future construction or development would be subject to obtaining approvals from relevant agencies.

12. No one from the public appeared to speak either for or against the relief requested.

NOW THEREFORE BE IT RESOLVED by the Quinton Township Planning Board that the application for use variances, bulk variances and minor subdivision be and hereby are granted with a finding that to do so would not impair the intent and purpose of the land use ordinance and that special reasons have been presented by the applicant with the approvals being subject to the following conditions:

- A. Approval by the Salem County Planning Board.
- B. Submission of a metes and bounds legal description with closure for approval.
- C. Submission of Deeds of modified lots for review by the professional and signature by the chairperson and secretary.
- D. The applicant shall replenish the escrow funds as needed for the payment of the Board's Professionals and the Deeds shall not be signed until this has been accomplished.

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E. The applicant shall comply with all documents submitted as well as the testimony presented and representations made.

Dated: February 13th, 2013

ATTEST: Bonita K. Bell
Bonita K. Bell, Secretary

Margaret Maxwell-Mood
Dr. Margaret Maxwell- Mood, Chairperson

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Planning Board of Quinton Township at a regular meeting held on February 13th, 2013 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita K. Bell, Secretary